

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean Skubitz
Application No.:	10/800572
Filed:	March 15, 2004
For:	Improved Longitudinally Flexible Expandable Stent
Group Art Unit:	3773

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-6769-US05

TRANSMITTAL LETTER

1. In regard to the above-identified application, in addition to this 1 page transmittal letter, we are submitting the attached: **2 page Notice of Appeal from the Examiner to the Patent Board of Appeals and Interferences.**
2. With respect to fees, please note that a Notice of Appeal fee was previously paid in this case on July 28, 2008, and the case never reached the BPAL. Please charge the difference between the current (increased) fee and the previous fee, which Applicants believe to be \$30, from Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. **Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees associated with this communication to the Deposit Account No. 22-0350.**
5. **Certification:** I hereby certify that this Transmittal Letter and the paper(s) as described herein are being transmitted electronically to the USPTO on October 16, 2009.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS

Date: October 16, 2009

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